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Glenn Goldsmith
A. Nicholas Krupski
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BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, August 17, 2016

5:30 PM

Present Were: John Bredemeyer, President
Michael Domino, Vice-President
Charles Sanders, Trustee
Glenn Goldsmith, Trustee
A. Nicholas Krupski, Trustee
Elizabeth Cantrell, Senior Clerk Typist
Damon Hagan, Assistant Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Tuesday, September 13, 2016 at 8:00 AM

NEXT TRUSTEE MEETING: Wednesday, September 21, 2016 at 5:30 PM

WORK SESSIONS: Monday, September 19, 2016 at 4:30 PM at Downs Farm, and on
Wednesday, September 21, 2016 at 5:00 PM at the Main Meeting
Hall

MINUTES: Approve Minutes of July 20, 2016.

TRUSTEE BREDEMEYER: Good evening and welcome to the Wednesday, August 17th regular monthly meeting of the Town Trustees. At this time I'll make a motion for the next -- actually before I go into motions and start the meeting, I just want to let you know there are two postponements. If you have not gotten an agenda for the meeting, they are on the two lecterns. There are two postponements for the meeting, one is on page four under Wetland and Coastal Erosion public hearings, number two, Docko, Inc., on behalf of **BRIM FISHERS ISLAND TRUST, c/o JOHN BRIM** requests a Wetland Permit and a Coastal Erosion Permit to construct a 4' wide by +/-181 linear foot long fixed wood pile and timber pier; a 3.5'x20' ramp; an 8'x20' floating dock with four (4) restraint piles; install four (4) tie-off piles; relocate boulders within the vicinity of the proposed float and berthing areas under the new pier; and on top of existing concrete foundation pier located in beach area construct a proposed +/-18'x28' wood platform. Located: 3206 Brooks Point Road, Fishers Island.

SCTM# 1000-4-3-3, has been postponed.

And the other is on page six, item ten Thomas Wolpert, P.E. on behalf of **MILDRED M. PASCUCCI** requests a Wetland Permit for the as-built 10' wide path through the existing vegetation along the easterly side of the property to install a test well; construct a proposed two-story, single family dwelling with the first floor area to include 518sq.ft. of living space, a 1,445sq.ft. deck, a 336sq.ft. pool, a 70sq.ft. ramp, and 148sq.ft. of stairway; second floor to include 1,741sq.ft. of living space, a 345sq.ft. Deck, 112sq.ft. of stairway, and a 625sq.ft. landing; install a sanitary system in an approximately 625sq.ft. area; construct a 2.5' high by 88' long retaining wall; install a 1,030sq.ft. pervious driveway; add approximately 630 cubic yards of clean fill onto property; and clear vegetation within a 9,557sq.ft. area on the property. Located: 305 Narrow River Road, Orient. SCTM# 1000-26-3-11

So if you are here for any of those matters, just to let you know.

At this time I'll make a motion to hold our next field inspection Tuesday, September 13th, at 8:00 AM. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: To hold the next Trustees meeting Wednesday, September 21st, at 5:30 PM, preceded by a 5:00 PM work session.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: And to hold a work session at Downs Farms on Monday, September 19th, at 4:30 PM. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to approve the Minutes of July 20th, 2016. Is there a second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for July 2016. A check for \$8,429.30 was forwarded to the Supervisor's Office for the General Fund.

II. PUBLIC NOTICES:

Public Notices are posted on the Town Clerk's Bulletin Board for review.

III. STATE ENVIRONMENTAL QUALITY REVIEWS:

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VII Public Hearings Section of the Trustee agenda dated Wednesday, August 17, 2016, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Dana & Michael Savino SCTM# 1000-106-6-37

Solution East LLC SCTM# 1000-78-8-2

Harold Reese, Jr. SCTM# 1000-78-7-51

Robert & Christine Hempel SCTM# 1000-31-9-17

Theodora A. Marangas, Theresa B. Marangas, Catherine M. Wilinski, Alice V. Donlan & Eileen Rayeski SCTM# 1000-107-7-8

Harrington Family Limited Partnership, c/o David Harrington SCTM# 1000-2-1-12.2

George & Gail Starkie SCTM# 1000-57-1-7

Maxine & Richard Shriber SCTM# 1000-31-5-8.1

With respect to processing these applications under the New York State Environmental Quality Review Act, I would move the aforementioned items listed under Item III, are appropriately determined to be Type II actions under SEQRA and therefore have no further environmental review. That's my motion. Is there a second?

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

I. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE BREDEMEYER: In order to have a more orderly meeting and not run terribly late, the Board will regularly group together approvals for groups of actions for which are administrative permits or administrative amendments or transfers or minor extensions for which the Board is familiar with by virtue of inspecting them and having reviewed the paperwork. Accordingly, under Item IV, resolutions for administrative permits, I would move that we approve as a block items one, two and three. They are listed as follows:

Number one, **VIVIAN V. EYRE** requests a Ten (10) Year Maintenance Permit to remove Japanese knotweed, weeds, and poison ivy; cut back bushes; trim Montauk daisies; and when the knotweed dies off, plant salt tolerant plantings in order to maintain the shoreline. Located: 759 Orchard Road, Southold. SCTM# 1000-66-2-11

Number two, **NEW SUFFOLK WATERFRONT FUND** requests an Administrative Permit to install approximately 183' long and up to 6' high security fencing along landward side of revetment. Located: 650 First Street, New Suffolk. SCTM# 1000-117-8-18.1

Number three, **JESSE CLEMMENS** requests an Administrative Permit to install 4' high fencing running along both side yard lot lines ending at the seaward edge of the lawn at the top of the embankment. Located: 505 Midway Road, Southold. SCTM# 1000-90-2-29

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE BREDEMEYER: Similarly, Applications for Extensions, Transfers and Administrative Amendments under Item V, I would move that we approve as a group item number one, item number four, item number five and item number six. They are listed as follows:

Number one, **ROBERT MUSCO** requests a One-Year Extension to Wetland Permit #8501, as issued on September 17, 2014. Located: 497 Ripple Water Lane, Southold. SCTM# 1000-76-1-15.3

Number four, **CAROL & JOSEPH KANE** request an Administrative Amendment to Wetland Permit #4990 to remove the existing easterly 3'x12' bottom ramp off of bluff stairs; install a westerly 4'x8' bottom ramp off of bluff stairs; and for the as-built 3'x7.5' steps to beach straight out off of the bluff stairs bottom platform. Located: 3100 Sound Drive, Greenport. SCTM# 1000-33-1-8

Number five, **ELIZABETH PENNISI** requests an Administrative Amendment to Administrative Permit #8119A to add approximately 16' of fencing with a gate from the deck to the existing fence. Located: 1425 Pine Neck Road, Southold. SCTM# 1000-70-5-40

And number six, Michael Kimack on behalf of **THOMAS & NANCY ESHELMAN** requests an Administrative Amendment to Wetland Permit #8591 to install a water line and power underground from the dwelling to the walkway and the dock using Dark Sky compliant lighting. Located: 695 Howard Avenue, Mattituck. SCTM# 1000-113-9-3

TRUSTEE BREDEMEYER: Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: Under sub item two, **PHILIP & LORRAINE SABALJA** requests a Transfer of Wetland Permit #5885 from Anchor Lane LLC to Philip & Lorraine Sabalja, as issued on March 24, 2004. Located: 1615 Anchor Lane, Southold. SCTM# 1000-79-4-6.1

We reviewed this application at work session. It needed additional information. Accordingly I move we table this application for a subsequent review.

I have just been instructed -- I'll withdraw my motion to table. Trustee Sanders had the ability to follow-up on our work session and so the project is deemed consistent with the project plan, and the transfer is allowed to go through. I'll move to approve item number two.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

Item three, Michael Kimack on behalf of **GEORGE KATSAMANIS** requests a Transfer of Wetland Permit #GF350 from Helen

Rutkowski/Harold Stetler to George Katsamanis, as issued on November 25, 1986. Located: 1025 Gull Pond Road, Greenport. SCTM# 1000-35-4-28.40

Based on the advice of counsel that Mr. Harold Stetler does not have an ownership interest in this, his lands involved, his name can't appear on the transfer, and so accordingly I would move that the Trustees approve the transfer from Helen Rutkowski for a fixed ramp, mooring piles and float in Fordham Canal as originally permitted November 25, 1986 to George Katsamanis. That's my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

VI. RESOLUTIONS - MOORING PERMITS:

TRUSTEE BREDEMEYER: Under Roman numeral six, **KATHLEEN MAY & MATTHEW McDONNELL** request a Mooring Permit in Cedar Beach Creek for a 16' outboard motorboat, replacing Mooring #638. Access: Private

The Board has reviewed the application of Kathleen May and Matthew McDonnell and it's acceptable. Accordingly, I move to approve the mooring, Item 1 under Roman numeral VI.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: At this time, I'll make a motion we go off the regular meeting agenda and enter into public hearings.
That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?
(ALL AYES).

VII. PUBLIC HEARINGS: AMENDMENTS:

TRUSTEE DOMINO: Number one, Jeffrey Patanjo on behalf of **JOSEPH GENTILE** requests an Amendment to Wetland Permit #8317 for the as-built location of the bulkhead alignment and length to be a total of 96 linear feet with a 20 linear foot return; a 3'x12' aluminum ramp to be installed in lieu of a 32"x14' ramp; and for the as-built 12' linear foot long low-sill bulkhead/groin extending seaward off of the bulkhead. Located: 530 Schooner Drive, Southold. SCTM# 1000-71-2-8.

The LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that it is not built -- that the as-built structures do not comply with Wetland Permit #8317.

The CAC resolved to support this application.

Trustees did a field inspection on August 9th, and the notes are, there still is not a low sill bulkhead, that it needs to be cut down to below the whaler as previously suggested, and remove the ladder, remove the framing members with the jet ski float.

Is there anyone here to speak to this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. The last public hearing we had, I believe it was two months ago,

regarding this topic, you requested the approval of the DEC, in which I sent in the copies of that plan. So you do have a current DEC permit.

Regarding the jet ski float, that was removed. Did you see that -- you must have seen that on August 9th.

TRUSTEE DOMINO: We saw that the float was removed but all the hardware for the float is still in place.

MR. PATANJO: Okay, we can absolutely have that as a condition, to remove that.

With regard to the low sill bulkhead, the DEC approved it being 18 inches above the mean low water line, which is where it currently sits, in my understanding. That's what I thought we talked about during the previous hearing, that we were going to be okay with that if the DEC approved that height. And it's really not considered --

TRUSTEE DOMINO: That's not my recollection.

TRUSTEE BREDEMEYER: That's not my recollection either. I think the Board was thinking of a low sill bulkhead being typically 18 inches above the bottom grade, being substantially lower. I don't think we were there. I don't think it was articulated.

TRUSTEE DOMINO: I think we specified or suggested that the whaler be a reference point from where it needed to be cut to make it 18 inches above the mean low water.

TRUSTEE BREDEMEYER: We are looking, I think the structure, to our mind, we were out there on the 9th, it looks like it's at or above mean high water. You can see the rack, the water line there. It's not low sill under our understanding of low sill.

MR. PATANJO: All right. Those adjustments then, if that's the case, to meet the conditions of the DEC permit of 18 inches above mean low water, we can make those adjustments to suffice this permit. Personally, I was not there after the fact, which I apologize for not visiting it. You guys visited it twice. So you know more than me right now on that. If in fact we need to lower that, the top elevation 18 inches down above mean low water, we'll go ahead and take care of that in order to resolve this issue.

TRUSTEE BREDEMEYER: And to our field inspection I think we all felt the bottom whaler of the bulkhead, basically somewhere near the bottom, that whaler looked like it was around 18-inches off the bottom at that point. And it looks like the bottom of that bulkhead as far as the field-observed low tide, it looks like that's probably about the low tide in that creek.

MR. PATANJO: So you are saying the bottom whale on that wall -- are we calling this a low sill bulkhead or groin? I don't even know what we are calling this anymore.

TRUSTEE BREDEMEYER: Unfortunately, the terminology I think got confused in the application.

MR. PATANJO: All right. So you are saying if we take the elevation of the bottom whale and come up from that approximately 18 inches.

TRUSTEE BREDEMEYER: No, that would be the height, the finished

height. The basic understanding that this blocks the natural flow of waters and we don't approve -- basically it's functioning as a groin. We don't approve groins in creeks. It's already built. And it was supposed to be low sill functioning, so it should really at least meet the low sill construction standard.

MR. PATANJO: Okay. So low sill construction standard, as approved on the DEC permit of 18-inches above mean low water to the top cap elevation is okay.

TRUSTEE BREDEMEYER: Does that make sense, Mike, that if it's 18-inches above mean low water, it may be slightly different than what we observed, but it's going to be pretty close, isn't it?

TRUSTEE DOMINO: I believe so. But I'll reiterate, the terminology of the groin came into play because it's acting as a groin.

TRUSTEE BREDEMEYER: It's acting as a full-scale groin.

MR. PATANJO: As it sits.

TRUSTEE BREDEMEYER: Right. Which doesn't conform to groin standards either. So whether we call it a low sill bulkhead and have 18-inches or we call it a groin at 18-inches.

TRUSTEE DOMINO: And to be low sill it has to be 18-inches above mean low water, so.

MR. PATANJO: Okay, that's no problem.

TRUSTEE DOMINO: Just for clarification, we are talking about the whaler on the main bulkhead.

TRUSTEE BREDEMEYER: The lower on the main bulkhead, that is our reference point.

MR. PATANJO: What I'll do is talk to the dock builder who built the project, and I'll talk to the client who is here, if you have any questions, and we'll establish elevation at average mean low water and we'll take that elevation, we'll mark that on the existing bulkhead, and that's going to be our new top cap elevation.

TRUSTEE DOMINO: I have already been to this site five times and I have no problem going back. So that if it's okay with the Board, when you want to do that with the contractor, give me a call and I'll meet you there.

MR. PATANJO: We'll mark it and get in touch with the Trustees, like on other things, and we'll make sure you are all right with the elevation and go ahead and do the work afterwards.

TRUSTEE DOMINO: Any other comments, questions from the Board? (Negative response).

Hearing none, I'll make a motion to table this application until such time as we can meet with Mr. Patanjo and the contractor.

TRUSTEE BREDEMEYER: Motion has been made. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. PATANJO: Quick question, you tabled the application, which is fine. Do you want to meet for the elevation and then come back? How do you want to handle this?

Should we do the work now or should we wait until the work is

done? How does this happen?

TRUSTEE BREDEMEYER: I think Trustee Domino wants to meet with you to check the elevation is good, and then we'll come back and then we'll issue a permit based on the subsequent field inspection. He offered up an additional field inspection to confirm that we've got that within 18-inches, so there is no misunderstanding, that we don't have a cut off with anything other than what is acceptable to the Board.

MR. PATANJO: So after Mike issues the approval, should we do the work before we come back or should we wait until we come back?

TRUSTEE BREDEMEYER: Wait until the Board grants approval. So meet with Trustee Domino, then we'll come back and the Board will consider his findings and his discussions with you.

MR. PATANJO: Great. Thank you.

WETLAND AND COASTAL EROSION PERMITS:

TRUSTEE BREDEMEYER: The next application is under Wetland and Coastal Erosion Permits, number one, Docko, Inc., on behalf of **HARRINGTON FAMILY LIMITED PARTNERSHIP, c/o DAVID HARRINGTON** requests a Wetland Permit and a Coastal Erosion Permit to reconstruct remains of dock structure with a 5 foot wide by +/-138 linear foot long fixed wood pile and timber pier with open grate decking including four batter braced tie-off piles and ladders waterward of the apparent high water line; relocate 4' wide stairs to beach to be off of new 5'x4' fixed landing; and reconstruct an existing 3.5' wide by 34' linear foot long wood access ramp landward of the apparent high water line. Located: Private Road on Clay Point Road, Fishers Island. SCTM# 1000-2-1-12.2

This project the Board is familiar with having previously gone to the site, I believe starting last year. This project received an inconsistency from the LWRP coordinator. In this case he invoked the limitation on the, it's inconsistent because it exceeds the 200-square feet of dock surface area under the LWRP. Previously, the docks in Fishers Island had -- I have not seen this in the dock applications for Fishers Island, so this is new to me, since previously they were looking at Fishers Island as water access as a marine water dependent need for the island, and so that there was, this was way before the fact and we didn't see this limitation in the 200-square feet. So I'm a bit at a loss. This is the first time I have seen that. And it speaks to treating both the mainland and Fishers Island the same. Which has not been the case. Just throwing that out there.

Is there anyone here who wishes to speak on behalf of this application?

MR. NIELSON: Yes. Keith Nielson of Docko Inc. I prepared the application documents and made the necessary analysis and certifications for this project. And this is the same project that was permitted here three years ago, and it was, the permit was extended when the Harrington's were debating on the future

ownership of the house. The house is now for sale, and the bottom line is that the dock needs to be rebuilt. I'm sure you have seen the recent pictures, it suffered repetitive storm damage. The pier was originally quite a bit wider, and when we came back for the original permit application, we asked for five feet of width because, one, we have to build it considerably higher than normal. The finished deck elevation is going to be up over ten. That's about seven feet above normal high water. And the reason is that the storm waves that are associated with some of the nor'easters where the waves come around the corner, if the structure is still located in the wave break zone, it will be damaged again. So we put the dock up a little higher. The five-foot width allows for us to put batter brace piles underneath it and maintain stability for that height. So there is a reason for the width.

In addition, one of the reasons for that 200-square feet, I'm sure, is environmental impact. And by having the pier so high, the shading impacts are notably less for this pier. It's operating in a more or less west-northwesterly direction, and it's facing right into some fairly consistently large waves coming down Long Island Sound into Fishers Island Sound. And so from a standpoint of structure and the durability of the structure over 20 years, we need to have some special concessions for this structure.

The other thing is, if you'll recall from our previous discussions on this site, there is eel grass on the inner parts of the shoreline here, and we are spanning out to get over the eel grass. It's about a 50-foot wide band. And so we get out past it, and then we have the lower deck landing where the boat berthing will actually take place.

And so at any rate, that's the full justification for it. We feel the conditions warrant it. It's a diminishment over what was originally built there, and in my opinion is structurally the correct application of materials and configuration for this site.

The other issues are it's an open wood pile and timber structure, it will not impede water flow and circulation, it won't change any of the waterfront dynamics here, and it spans over the narrow tidal wetlands fringe along the bottom of the bank at a suitable elevation. That's where the stairs come down over the bank, so that the shading over the tidal wetlands fringe will be negligible. The tidal wetlands fringe is also pretty skinny there, too, because of the amount of overgrowth on the bank is substantial and transitions almost immediately into the intertidal zone.

If there are any other questions, I'd be happy to answer them. We are just asking the permit be re-issued the way it was three years ago.

TRUSTEE BREDEMEYER: I don't recall the specifics of the application at that time, but as a point of information, the LWRP coordinator determination that it doesn't meet the

200-square foot limitation means that the application exceeding that, we don't have the authority to approve it based on the LWRP pointing out what is apparently a point of law, even though I'm not sure about prior processing because of the unique circumstances of docks and the need to have water-based access to Fishers Island because of limited ferry traffic. I think the Board is aware and doesn't have a problem with the environmental specifics because it's open-grate decking. The CAC had supported the project, based on that. What I can offer up is that the Board can move ahead with the Wetland permit and check with counsel, table the Coastal Erosion Hazard Area permit and check, subsequently review with counsel and the LWRP coordinator whether or not this would have to go on appeal to the Town Board. Because the way the different -- I took it upon myself to look at the different Coastal Erosion Hazard Acts and how they were enacted, and this provision as is in Southold, it doesn't appear in even the state. And we have a quandary now because of the construction of the code, even though I believe in the past we granted dock permits in general that met environmental conditions and that the Coastal Erosion Hazard Area Act for open-constructed docks had not been an issue before this Board. But I think it's something we need to get a determination and talk to the LWRP coordinator as well as town attorney on it. I just wanted to say that I think that is where we are at with this. Are there any additional questions?

Anyone else here who wishes to speak to this application?

MR. NIELSON: If I could just say one more thing. First of all, if a meeting is necessary, I'll come over for the meeting. But secondly, several of the docks that we visited during Town Father's Day, such as Regal and Meyers, and the docks we drove by to get to Meyers; also the three sisters houses and Weymoth and so on, all those docks exceed the 200 feet.

TRUSTEE BREDEMEYER: I understand that. I want to check our permitting record here and bring it to the attention and discuss that, because of the uniqueness of this situation. I recall a number of those prior approvals. I don't remember the specific language that was invoked here.

MR. NIELSON: Okay.

TRUSTEE BREDEMEYER: Accordingly, is there anyone else to speak to this matter?

(Negative response).

I make a motion to close the hearing in this matter.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

I make a motion to approve the Wetland application in this matter, knowing that it meets with the general environmental conditions and it protects eel grass and has provided open through-flow decking. I'll move it in a separate resolution.

That's my resolution for the wetland permit. All in favor?

(ALL AYES).

I'll move to table the Coastal Erosion Hazard Area permit to seek further discussion with the LWRP coordinator and legal counsel, and accordingly we'll get back to the applicant in this matter.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

WETLAND PERMITS:

TRUSTEE GOLDSMITH: Number one, Charles Mogul on behalf of **ROGER PRAETORIUS** requests a Wetland Permit to construct a 4'x15' landward fixed ramp leading to a 4'x75' fixed dock using open-grate decking supported by 6" diameter marine piles seaward of the ordinary high water line and 4"x4" timber posts landward of the ordinary high water line; a 3'x20' hinged ramp; and a 6'x20' floating dock secured by two (2) 8" diameter marine piles. Located: 975 Westview Drive, Mattituck.
SCTM# 1000-139-1-4.2

The LWRP found this to be consistent.

The CAC resolved to not support this application. The CAC doesn't support the application because the dock was not staked.

The Trustees did a field inspection on August 9th. At that time the dock was staked out. Is there anybody here who wishes to speak on this application?

(UNIDENTIFIED VOICE): Did I hear you before, did you mention before there was a problem with the DEC?

TRUSTEE GOLDSMITH: No, I said with the CAC. Because it wasn't staked out when they went to inspect it. But when we went to inspect it, it was staked.

Anybody else wish to comment on this application?

(Negative response).

Any comments from the Board?

(Negative response).

I'll make a motion to close this hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll make a motion to approve this application.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Number two, **GEORGE & GAIL STARKIE** request a Wetland Permit for the existing wood retaining wall that is +/-4' high and has a total length of approximately 150', and to face the retaining wall on the seaward side with an interlocking block stone wall; repair the existing wood steps through the retaining wall; repair the existing +/-4'x125' wood boardwalk along the landward edge of the bulkhead, and existing +/-37.6' long wood decking between bulkhead and retaining wall; and to

repair the existing +/-125' long bulkhead as necessary.

Located: 630 Tarpon Drive, Southold. SCTM# 1000-57-1-7

The LWRP has found this to be exempt.

And the CAC has resolved to support the application under the following conditions: Requirement of updated certified survey. Which we have. Install proper drainage with deep holes. Definition of beach gravel location and retaining wall should be constructed with a 3:1 slope. That's the CAC.

And on 9 August 16, August, the Trustees were present. The only notes that we had was to make sure that non-toxic material is used for the decking. If the bulkhead is already in place, then bulkhead repair is okay. Is there anybody here to speak on behalf of the applicant?

(Negative response).

Any thoughts from the Board?

(Negative response).

Okay, I'll make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: I'll make a motion to approve the application.

TRUSTEE GOLDSMITH: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number three, Michael Kimack on behalf of **MICHAEL J. CONFUSIONE** requests a Wetland Permit to construct a 4'x50' treated wood fixed dock using thru-flow composite decking and 6" diameter dock piles installed 5' on-center; install a 3'x20' metal hinged ramp; install a 6'x20' treated wood floating dock using thru-flow composite decking with two (2) 8"-12" diameter float piles; overall length of proposed dock, ramp and float to be 90 feet; and to remove existing wood pilings within side yard property line on existing dock structure. Located: 1605 Westview Drive, Mattituck. SCTM# 1000-107-7-9

The LWRP coordinator found this to be consistent.

And the CAC also resolved to support this application.

The Trustees went out to inspect this on two different dates, the most recent was the 9th of August, and found it to be a proper pier line and straightforward.

Is there anyone here to speak regarding this application?

MR. KIMACK: Michael Kimack on behalf of the applicant, who is present in the audience tonight. I think it was fairly well laid out. I'm not quite sure if I could add much more to it. We were delayed, basically, I think the second application coming in will resolve the other issue. There are five pilings out there, four of which will be taken, within the property of my client, that would be taken down as part of his construction. And the other piling which is the other property, which is the next case that you have coming, would be taken down by the next, along with the floating dock sections. That's pretty much it.

TRUSTEE KRUPSKI: One question we did have was, on the plans, on the float, there appeared to be a small bump out or landing for the ramp. Am I just seeing that wrong?

MR. KIMACK: I think so, because it's 20 feet - I'm looking at the drawing. It's 50, 20 and 20. I think the 20 feet is the, it obviously has to sit on that ramp by a couple of feet anyway, so.

TRUSTEE BREDEMEYER: The plan view it looked like there was a bump out of three-and-a-half feet that was added on to the 6x20 float, which in an "L" configuration we might allow in a high tidal range area.

MR. KIMACK: I see the 3.5 feet as a kick out basically for the, um -- but the 20 feet comes all the way between the fixed ramp and the other ones. Which is the removable ramp, the 3x20. And that goes all the way --

TRUSTEE BREDEMEYER: I think the Board was concerned and doesn't necessarily think for this dock construction a bump out is appropriate for a straight up 6x20 float. A standard 6x20 is what --

MR. KIMACK: Well, 6x20 is your maximum anyway. The 120-square feet.

TRUSTEE BREDEMEYER: Right. 120-square feet. Yes, although on occasion, depending if they have to go to an "L" configuration, we have allowed a bump out so that the dock, the ramp doesn't ride off the end of the dock.

MR. KIMACK: When you have a high tide situation here, we have done that before, where you basically do a bump up. Because it moves, the ramp will move at least a couple of feet and you want be able, when you get off the dock, not fall in the water, with the two feet left. We can make an adjustment to that. We can make an amendment on the plan and change it.

TRUSTEE BREDEMEYER: Okay. Thank you.

TRUSTEE KRUPSKI: To remove that, okay. Anyone else wish to speak regarding this application?

MS. MOORE: Pat Moore, on behalf of the adjacent property owners.

As Mike just mentioned, the next application you have is the family that shares the use of this dock, and part of the agreement was we are not consenting to the removal of a shared dock until we know that we have one to replace. So I just want to put that on the record. Wouldn't it make more sense to put this first so we can be relaxed about the fact if you approve this one we do won't be left out in the cold. So I'll just say if you can give me a clue there is no problem with our permit, we have really no comments.

TRUSTEE BREDEMEYER: No clues until we open up.

MS. MOORE: So in that case I would ask that you postpone this.

TRUSTEE BREDEMEYER: Since we have two attorneys, we duly note it appears the attorneys are working together.

MR. KIMACK: There has been coordinated communication on this.

MS. MOORE: Right. We just don't want to be left without a dock.

So with the Trustees' permission, the applicant's permission as well, why don't we keep this, just postpone it for five minutes,

let the next hearing take place so we can make sure that we get a permit.

TRUSTEE BREDEMEYER: We are taking your statement under advisement for the next hearing, and the public record of the Trustees for field inspection already indicates that we had no problems with either dock. So that's a public record that anyone can access before the hearing, so.

MR. KIMACK: To be fair, we would expect that our dock would stand on its own merits, irrespective of what you find on the other dock, which is always our position. But hopefully everything will be resolved in a favorable manner.

TRUSTEE DOMINO: Quick question. Is there any plans for a non-turf buffer?

MR. KIMACK: The non-turf buffer is that whole section, Mike, down below there. Between the dock and retaining wall, basically, that's the non-turf buffer. I think it's, if I remember correctly, it's at least ten feet wide presently.

(UNIDENTIFIED VOICE): 12.

MR. KIMACK: 12 feet. So that was always intended to be a non-turf buffer. Which I think is pretty much sand at the present time anyway. It's a natural buffer.

TRUSTEE DOMINO: Thank you.

TRUSTEE KRUPSKI: Okay, I'll make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make a motion to approve this application after the Board receives new plans regarding that 3.5 foot area there.

MR. KIMACK: Understood.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: Motion made and second. All in favor?
(ALL AYES).

TRUSTEE DOMINO: Number four, Patricia C. Moore, Esq. on behalf of **THEODORA A. MARANGAS, THERESA B. MARANGAS, CATHERINE M. WILINSKI, ALICE V. DONLAN, & EILEEN RAYESKI** request a Wetland Permit to construct a 4'x82' fixed dock using thru-flow decking; a 3'x15' seasonal ramp; a 6'x20' seasonal floating dock; and to remove existing shared docking facility along the southerly side yard lot line. Located: 1685 Westview Drive, Mattituck.
SCTM# 1000-107-7-8

The LWRP coordinator found this to be consistent and suggested that the Board considers seasonal moorings as an alternative.

The CAC resolved to support this application with the condition of a 15-foot non-turf buffer landward of the bulkhead.

The Trustees did a field inspection, more than one, but the most recent on August 9th, and the notes indicate that this is a straightforward application.

Is there anyone here to speak to this application?

MS. MOORE: Yes. Patricia Moore on behalf of the owners. And we are, again, this dock was made necessary by our neighbor who -- my client's neighbor -- who wanted to replace their shared dock with his own dock. So the family agreed and they are submitting this application for their, in order to continue the use of the dock, so.

TRUSTEE DOMINO: Can you speak to the non-turf buffer, considering that the neighbor has a 12 foot?

MS. MOORE: I would imagine -- Any problem with continuing the non-turf buffer?

(UNIDENTIFIED VOICE): No.

MS. MOORE: So my client is here and there is no problem with continuing the non-turf buffer of the same size as the

Confusione property. Was it 12 feet, I think, was proposed?

TRUSTEE DOMINO: Any other questions or comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application with the condition that there be a non-turf buffer to match the neighbor Mr. Confusione.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next hearing is in the matter of Land Use Ecological Services, Inc. on behalf of **DANA & MICHAEL SAVINO** request a Wetland Permit for the existing +/-104 linear foot long bulkhead to be removed and replaced or cut down in-place to become a low-sill bulkhead; install +/-96 linear feet of new vinyl bulkhead 5' landward of proposed low-sill bulkhead; remove +/-60 cubic yards of fill between the two bulkheads to create +/-475sq.ft. of tidal wetland area and vegetate with *Spartina alterniflora*; the 5' wide deck area between the proposed low-sill bulkhead and proposed vinyl bulkhead to be converted to open-grate decking with the existing seaward bulkhead pilings to be utilized to support the seaward edge of proposed open-grate decking area with the low-sill bulkhead under it. Located: 1945 Bayview Avenue, Mattituck. SCTM# 1000-106-6-37

Is there anyone who wishes to speak on behalf of this application?

MR. ARMENTANO: Good evening, Mr. Chairman, Members of the Board, my name is John Armentano from Farrell Fritz. I'll be presenting on behalf of the applicant as well as Chuck Bowman from Land Use Ecological Services.

I do have some more information to present, the booklet we have prepared for this hearing, I would like to submit that to the Board at this time.

TRUSTEE BREDEMEYER: Okay, you must understand submissions

usually for the Board, for us to do our due diligence, our code provisions require submissions be made a week ahead of time. So I mean the presentation that we may follow along with may require additional study by the Board subsequently to give its fair hearing and fair hard look afterward. But, yes, please.

MR. ARMENTANO: Understood. I'm sure you are familiar with this property. And actually I think I'll wait for those to be stamped in.

While that's being distributed, we received a letter from your office in July and we did submit a response with revised plans. So that should be part of the record as well.

TRUSTEE BREDEMEYER: Yes, it is, at this point.

MR. ARMENTANO: Thank you.

TRUSTEE BREDEMEYER: And I do believe as a result, during the course of the Board's work session Monday night at Downs Farms, we did have our Town Attorney Bill Duffy present, and we did discuss with him some general notions the Board was contemplating. And I believe he did try to communicate with your office.

MR. ARMENTANO: We spoke briefly about that today, yes.

TRUSTEE BREDEMEYER: And we did discuss those revised plans that were submitted at our work session Monday evening.

MR. ARMENTANO: Right. So at this point we are here to basically replace an existing bulkhead which has been in its current condition since 1970. So we are talking about a long period of time where a bulkhead has been in position on Mattituck Creek. But just for your familiarity, Exhibit One is showing the location of the property located along Mattituck Creek with the current configuration that was approved by this Board at a number of approvals back in the 70's and 80's.

Also just for your information we have put in a survey showing the dimensions and existing conditions on the property where the bulkhead has currently been sitting for the last 40 or so years.

We have included, I know you have been on site inspections, but we have included site photographs of the property that were taken in February of this year showing the bulkhead, the existing bulkhead at its high tide mark from the location looking westward. That's Exhibit Three.

And I think it's important because I know the issues that are at stake here and what we are discussing is the location of a replacement of a bulkhead, I think it's important for the Board to take note that, and I include that as Exhibit Four, that the property owner has been taxed, according to the tax records of this Town for a property that has a dimension of 100x170. And that is highlighted in your Exhibit Four, and I think it's illustrative of how the Town itself has considered this property, its use, and has taxed these improvements.

And the dimensions are reflected in a deed that is Exhibit Five, which was transferred from Louise Ziegler to Dorothy Ziegler back in 1970's, and I have highlighted the pertinent

aspects here, which are the dimensions of 170 feet, which is the northern course running east/west, and then it runs the next course is 100 feet along the creek, then it returns back 70. That's the dimension that the property has been in and how the Town has considered it for many decades.

Just for illustrative purposes we have also included the historic tax maps, which is Exhibit Six, which shows how the Suffolk County Tax Department was considering the property back in 1973 through 1985. You see the lot is highlighted as Lot 37. The dimension again, on the northern course is 170 and it is followed by 100 and then back 170. And that was carried through, and there were changes in this tax map, but my client's property did not change. And that is reflected in the tax maps of 1985 through 1989.

Then there seems to be a shift in the dimension, although graphically, according to the tax maps, there is no change in the dimension. But there is a notation on the northern course to be 165 feet. And that seems to be pulled through and causes some of, I believe, the confusion associated with this property. That's most likely tied to Exhibit Seven which is the transfer of property from Dorothy Byrne to Carl Oswald and Nicholas Johnnidis. And in that deed you'll see and I have highlighted it for you, with the dimension of 160 feet is the northern course. Then it returns back on the normal courses.

But a point of note here is that in this deed there is a reference at the end that says being the premises deeded to the grantor in the deed recorded at liber 9849, page 599, which means that that deed was the controlling deed and that is what they were transferring. And I have included that deed as Exhibit Eight, which is the core exhibit, which is the liber that I just stated. And that shows the dimensions. This was a transfer of a larger estate, and if you look through, I'll just point you to the pertinent part, there was a lot of property transferred in that transaction. But the relevant portion of that transfer that relates to this property is parcel seven, and that is referencing, again, a point on Bayview Avenue, and what I have highlighted again on the last page of that exhibit, is the dimension of 170 feet on the northern course.

So you have this -- so that is what was meant to have been transferred, but you have an error, I believe, in the deed documents, but as counsel will acknowledge, that the underlying deed that this was transferred from again carries through to 170 feet. So I'm again trying to present the point that the 170 seems to be the consistent point of the northern leg, which I'm sure you are aware of is one of the areas of contention of this property.

This has been transferred, for Exhibit Nine, I'm showing the transfer to Salice, which occurred in 1986. And if you look, there was, again, a Schedule A to this deed is referencing 160 feet to Mattituck Creek. But the survey that was produced in

connection with this transfer is this last page of that exhibit, and that is actually showing the dimensions of the existing conditions being 175 feet on the north course and 175 feet on the south course.

But this brings to the point of Exhibit Ten which then shows, and I believe we have been here before on this application, although not under our representation, where there seems to be discrepancy as to where the deed line ends and bulkhead extends. And that's been highlighted in Exhibit Ten as a yellow triangular area. That's the area that has been in question, although I believe the deed supports the position of the 170 feet to that distance.

Again, just for more historical purposes and for the record, Exhibit Eleven is the first permit that is issued by the Trustees to a Mr. Ziegler back in 1969. And that was to build a dock 75 feet out from his property. And what we have done is pulled aerial photographs from the Suffolk County GIS website, and this is showing the approximate location of the subject property in 1962, and we can take note - there is nothing built there - but we can take note of the shoreline and the rough dimensions of the property.

Then in 1971, as Exhibit 12 indicates, there was an application made by Mr. Ziegler to this Board for the construction of a bulkhead to prevent further erosion of his property. And that was submitted in 1971. And part of that application, although it is spotty, is a sketch by, I believe, Mr. Ziegler, showing the dimensions of this his property and the location to which he would like to place the bulkhead.

And I think it's important for this Board to take note of the dimensions that are shown. We are again showing that 170 foot line. That to me, again, consistently proves, and this is squared off 170x100x170, showing and indicating the high water marks, the tide lines and to the location where he would like to place the bulkhead. And it does disappear to be some wetland there that he is going over at that time. But as this Board is aware in 1971, the Board issued a letter of non-jurisdiction indicating that there was no need for a permit for the placement of this bulkhead because it was located on private property, and it was the position of this Board at that time, that the property, that the distance of 170x100x170 closing by 100 was considered to be the location of private property to which the bulkhead was then placed. And that is shown in a 1978 aerial where we have again noted the hardened shoreline where that bulkhead was placed. That was from the Suffolk County GIS website. That again proceeds through, and this is a 1984 aerial again showing the location of the bulkhead. That's all part of Exhibit 12.

For Exhibit 13 we have an application and an approval that was granted by this Board in 1987 for the construction of an elevated walkway and a variety of other improvements, notably a dock and extending catwalk to a pronged bulkhead - a pier - and

it was approved with a modification in 1988 that the pier be extended. And that is shown in the last, second to last page of that exhibit by a diagram by En-Consultants which is showing the location of the bulkhead and the docks that were placed off of it. And I think it's important to note that this application that was before the Board was noting the dimension of 175 feet as the parameters of the property line. And it was approved by this Board, and an aerial in 2001 clearly indicates the existing conditions that were approved as part of that permit.

We are here tonight and you received your information on the prior meetings, and what we have proposed is -- and Chuck Bowman will discuss more of the environmental aspects of this application, based on the issues of the property line and concerns the Board for the environment and in particular the oyster beds, we are proposing a design that has been discussed in some way, shape or form with the Board of a, we'll call it a cantilevered bulkhead, and it's really three dimensional, it's hard to see on this diagram, the first diagram. But the second diagram of the plan that was submitted shows a three dimensional crosscut of the application where my clients are willing to pull back the bulkhead ten feet to align where the bulkhead will be placed, and then to extend their decking over that area with pilings to support that cantilevering so it's not really cantilevered, but to extend a pass-through flow-through decking to then provide for the environmental benefits. And we are not having a low sill bulkhead. So this is what we are proposing as a revised plan to this Board. And if there are any questions I would like that to wait until Mr. Bowman has discussed the environmental aspect, then we can discuss any questions.

MR. BOWMAN: Good evening, members of the Board. Charles Bowman, President, Land Use Ecological Services. I think after meeting out in the field and seeing the comments of the Board, what we've tried to do is address those comments. You know, we did remove the low sill bulkhead. We are actually now creating about 780-square feet intertidal area that would have been, I think the original application was 475 square feet, so we are actually increasing that to 780 square feet. There would be bulkhead, as Mr. Armentano had indicated, pulled back ten feet landward. So the bottom that is going to be restored will be as valuable as the bottom now landward of that bulkhead because we would be proposing to use light penetration, open-flow decking over it. We'll match the elevation of the existing bottom on the seaward side, and to me it just seemed like a very good compromise because I think the Trustees are getting back their bottom lands. With the flow-through decking it has been our experience in similar situations that you'll see no difference between the bottom on the seaward side and what is under the deck in this small area. And it does work very, very, very well.

I went through the 275 standards for permit issuance, and just to put it on the record, you know, the first one would be adversely affects wetland of the Town. It would be our opinion

we would now be increasing the wetlands of the Town. There certainly would not be any turbidity problems. We would have to make sure that when the bulkhead is removed, you know, that that is done after the new bulkhead is in place so that we avoid the turbidity of digging out behind the existing bulkhead at that time. And that's something, if the Board wants, we can certainly provide methodology to include the permitting issuance to how it would actually be constructed so it would be no questions when that construction day comes that it can be monitored and make sure it's done correctly.

Are we going to cause salt water intrusion into it? No, not in this case.

Are we going to be adversely affecting the shellfish and benthic organisms in the area? We'll actually be increasing habitat for those benthic organisms. Flood and storm damage, again, it will be exactly the same. Navigation will be exactly the same as is there now. You know, are we going to be, we are actually going to be increasing, if you will, by a tiny little bit, the volume of the creek, because we'll be pulling that bulkhead back. So we are actually going to increase flood storage capacity of the creek. So we won't be changing the course or channel of the creek. We are not going to be weakening any adjacent lands. In fact, the adjacent land on the south is the end of the roadway, which is now pretty much stabilized from the Town's activities with storm water and wetland restoration that we were actually part of years ago there. And on to the north side we have a very vibrant and good intertidal marsh system that has stabilized that shoreline. Are we going to affect the health, safety and general welfare of the people of the Town? My opinion, certainly no. This is a singular property and singular situation, if you will. There won't be any approval here that will be affecting any of the other properties in the area. And esthetics, again, it's going to be the same. For someone going along the creek it will pretty much look the same. The only difference is open-flow decking that will now allow habitat, benthic habitat to be restored. And again, I go back to 780 square feet of habitat which, you know, is significant. And the owners certainly are willing to go through considerable expense of having to do this. And it is a considerable expense to do this. So I think the Board should be able to take that into consideration as well.

If you have any questions as far as the plan, or again, methodology, to you approve that before the final permit is issued I would be more than happy to put that together. Which is usually a good idea, in my opinion.

TRUSTEE BREDEMEYER: Thank you. Does the Board have any questions for Mr. Bowman?
(No response).

The plan obviously is well considered environmentally. Of course we do have a new and very substantial submission tonight of Mr. Armentano and his firm. Some of it, most of the documents

I think have been reviewed before but because of the very cogent presentation I think the Board should take additional time to review his presentation, and particularly in light of various ownership of property lot line claims, the Board should study this material carefully and look at the new plans in light of the material that has been submitted and study it further and then reserve decision in the matter, possibly, again having communications go between the new Assistant Town Attorney Damon Hagan or Town Attorney Bill Duffy to your offices. If there is, of course we have to open up to any additional public comment tonight, but I think that's a possible direction we would go.

MR. ARMENTANO: What I would like to add, I would like to keep the hearing open in terms of our ability to respond. So I would rather not have a closed hearing at this time. If you are going to review this information, if there is going to be other dialogue, we would like to have it remain open so we can respond.

TRUSTEE BREDEMEYER: I think that's acceptable. Okay, at this time I would move to keep this hearing open, tabling, reserving decision in this matter until the Board can study the submissions of both the plans and that we receive and discuss at work session the complete packet of Mr. Armentano of Farrell Fritz and also at least contemplate, at least look at the Minute record concerning the environmental discussion that Mr. Bowman presented, as well as Mr. Armentano's comments. I would say we would probably be advised to see the hearing record, even a draft one, we'll study the materials you gave us, mindful of what you gave us this evening at public hearing.

But before I do move that resolution to table and hold the hearing open, is there anyone else who wishes to speak on this matter?

(Negative response).

Hearing none, I'll move to keep this matter open for hearing, and hearing open, tabled for the Board to consider the submissions this evening.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: Number six, **SOLUTION EAST LLC** requests a Wetland Permit to reconstruct the existing two-story dwelling in-place; construct a 10'x16.3' seaward addition, and construct a 10'x24' seaward open porch for a total of a 1,305sq.ft. first floor footprint; construct a 10'x24' seaward deck; and to construct a +/-6' wide pergola off of front entry leading to a proposed +/-15'x20' garage. Located: 900 Goose Creek Lane, Southold. SCTM# 1000-78-8-2

The LWRP has resolved to find this consistent.

The CAC has resolved to support the application.

And on August 9th, all Trustees were present and the notes state house teardown needs to be staked; needs new sanitary

system, drawings, I think that's what this says.

TRUSTEE BREDEMEYER: And subsequent inspection was made by Trustee Domino. So we have information on the health permit, and the house was staked.

TRUSTEE SANDERS: What about the non-turf buffer?

TRUSTEE BREDEMEYER: Just for point of clarity. Subsequent of the field inspection on the 9th, the Board determined that we wanted to confirm that there was a Suffolk County Department of Health permit, which we confirmed was transmitted, a copy of which was transmitted to our office. And Trustee Domino went and performed additional inspection of the site to see the house was staked. Which was found to be the case. So at this time we have a complete record.

TRUSTEE SANDERS: Anybody here on behalf of the applicant who would like to speak?

MR. KITZ: Good evening, on behalf of Solution East, my name is Chuck Kitz. So, we are just wondering if there are any questions the Board has, if, you know, the Trustees have seen the property, it was in a bad fire damage approximately, whatever, five, six years ago. We are trying to make the property conform with the surrounding properties; repair the structure. We want to add on very little add on to that structure. But beautify the property, for everybody, for all the neighbors around and to make this just a nice piece of property. Which it should be. So if the Board has any questions.

TRUSTEE SANDERS: Any thoughts, guys?

TRUSTEE BREDEMEYER: It's pretty straightforward. Just note for the record I think Trustee Goldsmith was there at the fire.

TRUSTEE SANDERS: Anybody else in the audience who would like to speak? Yes, sir?

MR. EILENBERG: My name is Howard Eilenberg. I live at 800 Goose Creek Lane, adjacent to the property in question.

We are delighted that something is being done after five years. We've lived at 800 Goose Creek Lane since 1997, and as was mentioned, five years ago, a tragic fire took the lives two neighbors, Kathy and Barbara Primich. And our home was affected by the heat of the blaze, and the siding, the vinyl siding buckled, and we had to be evacuated. So we were devastated by the loss of our neighbors who shared our love and respect for the creek-side environment.

Properties have been flooded in heavy storms off Goose Creek Lane. The runoff certainly has affected our property as well. And it eventually ends up in Goose Creek. To minimize the runoff, we participated, in 2015, last year, in the Peconic Estuary Rain Garden Program that Cornell University recommended. So we built a rain garden which catches the runoff from Goose Creek Lane and prevents some of the runoff from entering Goose Creek. And that has been good and it has certainly worked in the past year.

So now we are faced with the plan which we think threatens additional runoff due to the addition and construction of a

garage that will replace a 100-year old maple tree. And there is a picture of it. And we were wondering whether something could be done to retain that tree. It provides shade for both my property and for the existing property. And we were wondering whether the plan could be altered so that the tree could remain and the garage be moved somewhat.

TRUSTEE SANDERS: The problem for us as Trustees is that tree is out of our jurisdiction, if I'm correct. So that is really a Building Department issue. That would not be something that we could address because it's out of our purview and beyond our scope. So that's something you have to bring up to the Building Department.

MR. KITZ: If I could address that. The only reason we are putting it on that side is we already have Health Department approval, and they consume the whole other side. Originally we had it on the side, until we got the Health Department approval. And if you look, I don't know if you have a copy of the Health Department approval, the series of leaching fields consumes the whole other side of the property. So we really can't put it on that side. It's impossible.

MR. EILENBERG: So the tree will have to be removed.

TRUSTEE BREDEMEYER: You are supposed to speak to the Board.

MR. KITZ: Excuse me. The thing I can say about the tree is we did have a tree service out there and he said if you notice the middle of the tree is cracked, and it's only a matter of time before the half of that tree comes down. It is, you know, an old tree and it is not in good shape. Unfortunately.

TRUSTEE DOMINO: Is it possible to, it's such a significant canopy that is going to be removed, to do some plantings at some level? That is probably one of the only two or three trees on the entire property. Some plantings to sort of mitigate his concerns?

MR. KITZ: We would be glad to put in some shrubs around the property. I don't know, if this gentleman is talking about a canopy as far as shading, that would be something extreme, as far as doing something like that. But we would have no problem with putting a privet hedge or a shrub, you know, around the property. Yes. Absolutely.

TRUSTEE BREDEMEYER: It should be noted for the record because of the shallowness to the groundwater there, to meet the drainage requirements of the Town under 236 and the Suffolk County Sanitary Code requirement, facilities do occupy quite a bit of land, the system is using I think what they call infiltrators or galleys, so there is really no alternative to put those improvements in that protect the groundwater as much as possible and diminish runoff so that the Town Code which specifically now prohibits runoff from this property going on neighboring properties, those are mandatory features of code that operate, unfortunately, at the expense of an old tree, that once cracked too becomes a liability for the construction.

What I think Trustee Domino is getting at, if there is

space that would not invade or damage the sanitary system or otherwise necessarily damage or put at risk the garage or house, maybe a specimen tree that might have the opportunity to grow a canopy. I think he's offering not necessarily as something we'll mandate in a permit, but a notion of what works. It is a beautiful, shaded lane, obviously nice property that holds the aspect of going down that lane number in the area, is one obviously of a quiet country lane.

MR. KITZ: Yes.

TRUSTEE SANDERS: Any further comments, sir?

MR. EILENBERG: No, thank you.

TRUSTEE SANDERS: Anyone else?

MR. SCHWANKE: My name is Eugene Schwanke, and my wife and I own the property right across the lane from this property at 1015 Goose Creek Lane. I just have a couple of questions about the notice. It mentions the proposal was to build a two-story structure. Is that correct?

MR. KITZ: Yes, it's pre-existing two-story.

MR. SCHWANKE: No, I beg your pardon. It was a one-and-one-half story building before. A one-and-one-half story doesn't have the same floor space on the second floor that a two-story building has. If you are proposing to make a two-story building with a full floor space that is on the first floor, then that is a violation of an agreement. I have been digging through, I'm the president of the Goose Creek Lane Association, and I have been digging through our archives. But somewhere there was a resolution made that no one would build any two-story structures on the waterside of the lane, thus blocking the view of the water from the people who live on the south side of the lane.

TRUSTEE SANDERS: Let me ask a quick question. Is the height any different than it is currently?

MR. KITZ: No.

TRUSTEE SANDERS: Same height that exists now.

MR. KITZ: Yes.

TRUSTEE SANDERS: Even though it's considered a two-story?

MR. KITZ: Yes.

MR. SCHWANKE: Will it have a flat roof, then?

MR. KITZ: It's a cape roof right now, then goes flat. It would not be any higher than the existing structure right now. It has a higher attic space than the story-and-a-half right now. The house to the west of us is much higher. So I'm not really sure how that got through.

TRUSTEE KRUPSKI: Sir, you have to talk through us.

TRUSTEE BREDEMEYER: Unless you have a document to present to us that there was some kind of --

MR. SCHWANKE: Okay, I have a question. He just explained, doesn't sound like a two-story building. If it's a cape with a shed dormer, that doesn't have the same floor space on the second floor that you have on the first floor.

TRUSTEE SANDERS: Again, there are some things that the Trustees can handle. These are starting to sound like Building Department

questions. But whenever I get a chance to try to mitigate so everyone can be harmonious, I'll try to do that.

In this circumstance, regardless of the square footage or not the square footage, that's something you have to bring up with the Building Department. But from what I understand, how he just answered that question is, the height of that current home, the way it will be built, is not going to be any different. So that will mitigate the issue that you have.

MR. SCHWANKE: That takes care of the issue then.

TRUSTEE SANDERS: What's the second question?

MR. SCHWANKE: Are we building on the same footprint.

MR. KITZ: Yes.

TRUSTEE SANDERS: I don't know if you had a chance to pull any of the records. It looks like it's within the same footprint. The only difference would be the garage being built. That adds square footage.

MR. SCHWANKE: Okay.

TRUSTEE BREDEMEYER: There is a small addition in the front. With respect to height limitations, unless it was part of the deed restriction or part of an approval by the Planning Board which ran with the land, I'm not sure it's something even the Building Department can help you with. It's a matter that really goes beyond the ability of the Board here to help you with.

MR. SCHWANKE: Okay, we'll discuss that. I'll look at some of the deeds on the waterfront property, the newer buildings.

TRUSTEE SANDERS: Say that again, I didn't hear what you said.

MR. SCHWANKE: I'll do more research about the height restriction.

TRUSTEE SANDERS: Okay.

MR. SCHWANKE: Okay, I think that answers my questions. Thank you.

TRUSTEE SANDERS: Great.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE SANDERS: Anybody else like to speak on behalf of the applicant or otherwise?

Thoughts from the Board?

(Negative response).

I think we are all pretty much in agreement. Okay, I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE SANDERS: I'll make a motion to approve this application as submitted.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: Discussion on the second I heard. Maybe we should request a non-turf buffer, because this is new construction and there is an existing, it doesn't show up in this photograph, but there is an existing seawall and there will be soil disturbance and the likelihood the new owners would like

some sort of lawn. So I would make a stipulation of a ten-foot non-turf buffer, which would mean you would not have turf or fertilized grass going right up. You can have plants or flowers.

TRUSTEE SANDERS: I'll amend and make my motion to approve this application with a ten-foot non-turf buffer.

TRUSTEE BREDEMEYER: The ten-foot non-turf buffer running landward of the existing concrete wall. I don't want to call it a bulkhead. And suggestion of a planting of a specimen tree to create a canopy, if possible, in the front yard. We'll put that in just as a suggestion.

TRUSTEE SANDERS: As a recommendation, okay. So I'll say again. I'll make a motion to approve this application with a ten-foot non-turf buffer, the entire length of the current bulkhead and/or concrete bulkhead. With a suggestion to have plantings in the front in replacement of that one tree.

TRUSTEE BREDEMEYER: Motion has been made. Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. KITZ: Thank you, very much, for your time.

TRUSTEE GOLDSMITH: Number seven, Thomas Wolpert, P.E. on behalf of **HAROLD REESE, JR.** requests a Wetland Permit to construct a single-family two-story dwelling consisting of a 1,477sq.ft. basement level with 384sq.ft. of garage; first floor area to include 1,864sq.ft. of living space with a 584sq.ft. seaward deck, 174sq.ft. of landings, and 48sq.ft. of stairways; second floor to include 1,704sq.ft. of living space; install a sanitary system landward of proposed dwelling; install a 3,709sq.ft. driveway; add approximately 488 cubic yards of clean fill to property; install two retaining walls totaling 138' in length and a height ranging from 1.0' to 7.5' beginning from sides of dwelling going landward; clear an approximately 14,257sq.ft area; and install gutters to leaders to drywells, and in accordance with Ch. 236 of the Town code-Stormwater Management. Located: 122 Hickory Avenue, Southold. SCTM# 1000-78-7-51

The LWRP coordinator found this to be consistent.

The CAC resolved to support this application.

The Trustees performed a field inspection on August 9th, noting a non-disturbance buffer seaward of Zone AE elevation six as depicted on the flood insurance rate map on plans received July 14th, 2016.

Is there anyone here who wishes to comment on this application?

MR. WOLPERT: Yes. Good evening, Members of the Board, my name is Thomas Wolpert, I'm an engineer with Young & Young, representing the applicant. Also with me here this evening are Mr. and Mrs. Ayers. They are in contract to purchase this property, subject to the favorable disposition of this Board as well as the other regulatory agencies that we have concurrently submitted applications to, which include the Suffolk County Department of Health Services on July 14th of this year, and also the New York

State Department of Environmental Conservation. We have received comments back from those two agencies and they are somewhat minor in nature. My intent, subject to any additional comments from this Board, would be to address those comments tomorrow and re-file with those two agencies with the hope of having all of the approvals necessary to apply for and receive a building permit by September, hopefully.

I'm happy to answer any questions relative to this application. And if you have any specific questions of the contract vendee, they would be happy to address those as well, as far as their intentions for a building on this property and the use of the property.

TRUSTEE BREDEMEYER: The only concern, really was not a question, and we met with Mr. Ayers out in the field, was to create a non-disturbance area in the existing woodland with a path through it to allow in the future for a residential dock. And it was a question of developing a rational limitation on that. I know the Board also discussed, if they become owners and build, discouraging, in maybe neighborly terms, the lawn area encroachments down on the water. If they can just be naturalized. But obviously that would not be a matter we would want to necessarily directly get involved with now. But it's a question of some dialogue between yourself and the Ayers and the Board concerning a non-disturbance. Sometimes we have done it as simply a set amount, with large lots typically 15, 20 feet for non-disturbance, then maybe even a non-turf buffer behind that so you would have a naturalized area and an area not in turf behind it. So it's a question of --

MR. WOLPERT: I believe Mr. and Mrs. Ayers would be amenable to that.

TRUSTEE BREDEMEYER: We have looked at I believe an elevation line as a possibility on the plan rendition. It was an AE-6 line I think that was both -- there were two AE-6, but the one which was more landward of the AE-6 line. The general feeling on the field inspection is if there was a line that is easily seen on the survey that runs with the land on the property survey, or in the alternative if they prefer a squared off line, if you would like to make a suggestion for a set like 20, 25 feet as a line, or something going across the property, we can consider that, too. Currently the non-turf buffers have to be filed as restrictive covenants that run with the deed. In most cases we are recommending a low profile barrier between the non-disturbance areas and the upland portion so that we don't have landscapers or others going into that area.

MR. WOLPERT: What type of barrier would that be?

TRUSTEE BREDEMEYER: Either a rope fence, split-rail fence, or timber-style barrier that could be in the ground. We have seen on one occasion they used stones every ten or 15 feet that delineated it.

TRUSTEE KRUPSKI: Is there anyone else here who wishes to comment on this application?

(Negative response).

Any questions or discussions from the Board?

TRUSTEE BREDEMEYER: Does an AE-6 line look like a workable line?

We want to work with the Ayers on this.

MR. WOLPERT: There's two lines on the map. One is the flood zone map and designation, the, between the AE zone and the Zone X.

Then there is the six-foot contour, and that is seaward of the flood zone line. So if we could, if we had a choice, I suppose we'd pick the six-foot contour.

TRUSTEE BREDEMEYER: The contour line.

MR. WOLPERT: Sorry, no, we would pick the flood zone line.

TRUSTEE BREDEMEYER: Which elevation -- you are talking about you want to go with AE-6 landward, would that work?

MR. WOLPERT: Yes.

TRUSTEE BREDEMEYER: Okay, so the landward AE-6, which is just outside what appears to be the zone of clearing that is proposed?

MR. WOLPERT: Yes.

TRUSTEE BREDEMEYER: I think that would be very acceptable to the Board, and then we can accept a four-foot wide path through that to the water, and maybe revised plans showing that.

MR. WOLPERT: If I may just consult with Mr. Ayers.

(Off the record consult).

TRUSTEE BREDEMEYER: Mr. Wolpert, also for the sake of filing a restrictive covenant, if the owners or you feel it would be better to have a straight line, if it sort of struck a straight line across there, that way you have meets and bounds from the corner.

MR. WOLPERT: We are just discussing that now. And the future plans may include a pool in that area, so we are somewhat concerned with imposing covenants for a non-disturbance buffer that would be 25 feet -- did you say 25 feet landward from that line?

TRUSTEE BREDEMEYER: We could also specify a distance from mean high water. In other words, we can specify a distance that would run so many feet landward of mean high water.

MR. WOLPERT: We would prefer that. Yes. We would like not to encroach on our proposed limit of clearing on the seaward side of the house at this point.

TRUSTEE BREDEMEYER: From the property line which is, I don't know if that approximates the high water mark, 100 feet of woodland, would that give them enough room for a future swimming pool? That's a huge buffering area.

MR. WOLPERT: 100 feet from where?

TRUSTEE BREDEMEYER: The property line

MR. WOLPERT: From the seaward property line?

TRUSTEE BREDEMEYER: Yes. Because that merges with where we flagged the wetland on the edge of the property. Basically we are protecting the wetland and the Trustees flag. We are right at 100, on the south plot line, we are coming, we are just about at 100 feet. A little shy of 100 feet. About 80 feet of the wetland that we want to protect. So 100 feet straight across.

Why don't you come up, I'll show this to you here.

Looking at this map. This is pretty much our flagged line. So if we went 100 feet right straight cross, that would provide over 100 feet of backyard to the house.

MR. WOLPERT: We are okay with that.

TRUSTEE BREDEMEYER: You're okay with that?

MR. WOLPERT: Yes.

TRUSTEE BREDEMEYER: That's basically, we provide, it puts it just landward of the wetland boundary.

MR. WOLPERT: Yes.

TRUSTEE GOLDSMITH: Any further comments?

(Negative response).

Hearing no further comments, I'll make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll make a motion to approve this application with the condition of 100-foot non-disturbance buffer from the seaward property line, and with a four-foot wide access path through the buffer.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: Discussion on the second. Subject to submission of the plans showing that. And of course non-disturbance buffer will have to be filed with a C of O. So subject to plans.

TRUSTEE GOLDSMITH: Subject to plans. Right.

TRUSTEE BREDEMEYER: Motion made and second. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Thank you.

TRUSTEE KRUPSKI: Number eight, Robert Brown Architect, P.C. on behalf of **ROBERT & CHRISTINE HEMPEL** request a Wetland Permit for the existing garage and to add new window in south facing wall; on the existing dwelling construct a 99.6sq.ft. roof over existing landward porch; construct new 243.25sq.ft. screened-in seasonal addition over existing deck; install gutters to leaders to drywells to contain roof runoff, and in accordance with Chapter 236 of the Town code-Stormwater Management; and to remove the trees that are flagged. Located: 160 Lakeview Terrace, East Marion. SCTM# 1000-31-9-17

The LWRP coordinator found this to be consistent, and just wanted clarification of the purpose of removing flagged trees shown in submitted photographs. And that the bank not be disturbed during construction.

The CAC resolved to support this application.

The Trustees visited this site. On August 9th we saw that it was within the same footprint of the existing deck, and we also discussed trimming the trees and bushes along the bank to preserve the bank from getting overgrown.

Is there anyone here that wishes to speak regarding this application?

MR. BROWN: Rob Brown, on behalf of the Hempel's. Mrs. Hempel is in the audience.

I'm really here to answer any questions because you pretty much described the project. It's all within the existing footprint. It's a screened porch on the water side over an existing deck, which will remain. And just a roof, weather protection over the deck at the front door and a window in the existing garage.

TRUSTEE KRUPSKI: Just for point of clarification, to satisfy the LWRP coordinator, the trees to be removed, what is the mindset there?

MR. BROWN: That was at the request of the consultant sent to the property by the Zoning Board of Appeals. And the Hempel's have no problem in complying with that.

TRUSTEE KRUPSKI: Does anyone else have anything to add?

TRUSTEE BREDEMEYER: No. Maintenance of that steep slope, it's probably good not to have trees grow up that would lodge and then cause erosion.

MR. BROWN: And that was the explanation given by the consultant as well.

TRUSTEE BREDEMEYER: We have in the past considered a permit allowance to trim native vegetation to four feet, pick an arbitrary but reasonable height, to allow pruning but leave vegetation intact below that height if you think that is something the owners will find desirable.

MR. BROWN: I think that's what has been discussed as the requested action.

TRUSTEE BREDEMEYER: And that's not wetland vegetation. That's strictly on the bank. In other words, we are not talking about the fringe, about the emergent vegetation in the pond. That's just to protect the hillside.

MR. BROWN: Understood. Especially of the trees.

TRUSTEE KRUPSKI: Any other comments from the Board?
(Negative response).

Okay, I make a motion to close this hearing.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make a motion to approve this application with the stipulation that we add trimming of the trees on the bank to a four-foot height.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. BROWN: Thank you, very much.

TRUSTEE BREDEMEYER: The next application, number nine **MAXINE & RICHARD SHRIBER** request a Wetland Permit for vegetation maintenance on the property including pruning of trees, removal of three (3) dead trees and one (1) dead bush; removal of dead hanging branches and old vines; plant lavender and grass seeds

in 70'-100' off water; and to create a 4' wide access path to water. Located: 12935 Main Road, East Marion.
SCTM# 1000-31-5-8.1

Is there anyone here who wishes to speak on behalf of this application?

MS. SHRIBER: Yes. I would like to make it a ten-foot buffer because behind me is a foot to two feet, depending on the area, that belongs to the Peconic Land Trust as well as an additional five feet that is already berries and bushes growing there. That is another five feet. The reason I want to do that, I'll give an additional area that I could either put stones or something that would not grow, because I have been, you know, I have Limes disease and I have to keep it controlled. And I want to be able to enjoy my property and my view, and I'm willing to give you additional buffer but not with natural growth. You know, I can put, I'll do ten feet of natural growth and then another four, five feet of either stones or something so that I can keep it controlled where I cannot have the worry. Because I have, I went in with boots and a top and there is another five feet behind my property.

TRUSTEE SANDERS: Actually the way you are describing it, let me clarify and see if we are on the same page. You are thinking ten and then beyond that another five, of stone. That actually could be considered, what you want to do is still a non-turf buffer.

MS. SHRIBER: That's great, I just don't want high grass growing where --

TRUSTEE SANDERS: That's exactly what we want, too.

TRUSTEE BREDEMEYER: The Board wants, actually the notion is to leave an area non-disturbed. So you are saying leave the area non-disturbed but then have an area where you don't have turf.

MS. SHRIBER: Correct.

TRUSTEE BREDEMEYER: That sounds reasonable.

MS. SHRIBER: Would that be okay?

TRUSTEE BREDEMEYER: We are discussing it now. We are obviously trying to work with you and listen to what you have to say. As part of the hearing process. Just for clarification, since we all there were and we met with you, where the property drops off, is that the approximate property line?

MS. SHRIBER: No, my property is back from there. I went to all the posts after you left. I put on my boots and everything. Depending on the property line, there is two to one feet on my level throughout the property that belongs to the Peconic Land Trust. Then when it goes into the reverse, there's over five feet of natural bushes growing there. So that's already a buffer.

TRUSTEE BREDEMEYER: So before the property elevation changes and goes down to the meadow, there is several feet there that is Peconic Land Trust property

MS. SHRIBER: Two feet to one foot and one area is three feet.

TRUSTEE BREDEMEYER: So if you were to have a non-disturbance, meaning leave-it-alone area of ten feet, then there would be a total of ten feet plus the one to two before we even got to the

true, where the meadow goes.

MS. SHRIBER: Correct.

TRUSTEE BREDEMEYER: So that would essentially, leaving it alone for the minor trespass that occurs by your person doing the tree work, would revert to wetland. So you have one or two feet of wetland, presumably the non-disturbance zone will repopulate naturally with the high tide bush that area which we discussed removing the woodchips, then you are saying you are willing to have another five feet --

MS. SHRIBER: Four or five feet, designed, so it's sort of like a Japanese kind of garden.

TRUSTEE BREDEMEYER: So that would be non-turf. So you are not going to load it up with fertilizer. You may have mulch, stone, gardening. That sounds very reasonable.

MS. SHRIBER: It would be more like a Japanese type of garden with the stones in front of it and with whatever grass is behind that will naturally grow, which I have no objection to. And this way also no one will cut it because it has its own natural border. So my landscaper would not touch it.

TRUSTEE SANDERS: That is the physical delineation, it would be that Japanese garden/rock thing. That in itself is a delineation. Why would you need an additional?

TRUSTEE BREDEMEYER: Okay, the non-disturbance, ten-foot non-disturbance area and five-foot non-turf buffer have to be included on a set of plan drawings, and also there are requirements they have to be filed with the county clerk, in other words the restrictions to go with the land.

MS. SHRIBER: I think I have them in the drawings. That's how I wanted to put it.

TRUSTEE BREDEMEYER: Excuse me, for purpose of filing, it has to go on the survey.

MS. SHRIBER: It was. I did it.

TRUSTEE BREDEMEYER: By a licensed land surveyor. And you are a licensed architect also, so you have the ability to stamp your plans?

MS. SHRIBER: No, I don't have a license for this area.

TRUSTEE BREDEMEYER: Okay. It has to be on the survey for filing.

MS. SHRIBER: It's on the survey, and I did do it that way with showing chips and in a Japanese manner in front.

TRUSTEE BREDEMEYER: I don't know if I have seen that. We need multiple sets of the survey, and you obviously need to meet the filing requirements of the county clerk.

MS. SHRIBER: It will be on this form, if you want, and my office, it would on this original, unless you want everything changed where the new driveway which shows the original, which shows the other buildings that were here, because there was all buildings here. Actually there was another building that was once here, because I had other problems. But I can do this whole layout for you in a more architectural landscape.

TRUSTEE BREDEMEYER: This has to be done by your licensed

surveyor. You can't draw on the licensed survey for your submission. It has to be done by your surveyor for submission.

MS. SHRIBER: So I have to hand that in to the surveyor.

TRUSTEE BREDEMEYER: Right. So in other words if the Board goes ahead with the ten-foot non-disturbance area and five foot, then we would review that and then you work with the Town Attorney or Assistant Town Attorney Damon Hagan, and work with him to meet the language for the filing, we would just confirm that that was on it.

MS. SHRIBER: Did you also say I can prune some of the, the stuff growing a little high so I could still have my view? I heard you mention to everybody they are allowed to trim it to four foot.

TRUSTEE BREDEMEYER: You specifically are not allowed to prune vegetation in the non-disturbance area. The high tide bush typically doesn't grow that it obstructs views. The current clearing has been approved for the non-disturbance area does allow for removal of invasive non-native vegetation, like noxious or poison vegetation.

MS. SHRIBER: I had poison ivy there before, so, it's coming back.

TRUSTEE BREDEMEYER: Specific language would allow you to remove additional black locust trees, Japanese knotweed, mile-a-minute vine. The list goes on and on.

MS. SHRIBER: Do you have a list?

TRUSTEE BREDEMEYER: We don't have a current updated list. It would probably get out of date every year, because a new invader comes in, but you are specifically limited that you cannot touch native vegetation within the non-disturbance zone. And most of the trees that you see are non-natives. If there was a question, you could always call our office. If you have an individual tree that is diseased or a particular issue, if it's diseased or sick or a problem, or even it might be an individual tree, an issue with a view or something, the Board usually liberally grants a letter for removal of a single tree or even two or three trees.

MS. SHRIBER: I marked them, the three that you saw.

TRUSTEE BREDEMEYER: But the primary mission is to protect the vegetated wetland. That's why we have the non-disturbance area as the primary.

Now, I think, would you be as one operation removing the chips and then creating the five foot? We'll want the chips removed, but then the five foot area we are talking about, would you be doing that shortly?

MS. SHRIBER: I probably won't be doing it until next spring. But I can take away the chips --

TRUSTEE BREDEMEYER: We would like the chips removed now so in the fall the vegetation can grow naturally. Then the five foot as part of the survey submission in getting your filings. If the five foot goes in then we probably don't need a barrier, because you'll have a planted garden that will be the natural

buffer going back. But it's explicit that that area can't be disturbed. It still might not be a bad idea --

MS. SHRIBER: I'll make it so it's mostly stone and won't plant anything there.

TRUSTEE DOMINO: I want to go on record I still want to see a barrier there.

TRUSTEE SANDERS: I disagree. You have a natural barrier.

TRUSTEE BREDEMEYER: All right. And we can't authorize a four-foot wide path to the water because you don't own to the water.

MS. SHRIBER: Right. I have to speak to the Peconic Land Trust.

TRUSTEE BREDEMEYER: But if you want to come back at a subsequent date, we can end amend the permit.

TRUSTEE KRUPSKI: It's also marshland. It can't be a trampled path.

TRUSTEE BREDEMEYER: The path can only go from your property to the end of your property. Then it would only be a foot path or there would have to be a catwalk.

MS. SHRIBER: Only because my neighbor had done it over the Peconic Land Trust water to go to the beach, so.

TRUSTEE BREDEMEYER: Yes, that would have to be with an agreement between you, and they would have to come in for a permit for a catwalk.

MS. SHRIBER: Yes, that's what it would be, a catwalk.

TRUSTEE KRUPSKI: There is a possibility of larger stones as a barrier if you wanted to go there, I don't know.

TRUSTEE BREDEMEYER: How about as part of your landscaping plan you included some notions of stone or material that would provide sort of a natural landscape barrier so it would create a delineation at the limit of the non-disturbance area

MS. SHRIBER: If it's stone, same thing as the chips, nothing grew there and nothing could be cut there. So if I put stone --

TRUSTEE BREDEMEYER: All right. Trustee Domino noted his position. We are in open discussion, so it's understood.

TRUSTEE KRUPSKI: Just for clarification, where those chips are, that would be a non-disturbance area, and the stones would be put back from that.

TRUSTEE SANDERS: Exactly. Creating really 15 foot --

MS. SHRIBER: Actually if you see this tree right over here. This one over here, that is at the ten-foot mark right over there. That tree right over there is ten foot.

TRUSTEE BREDEMEYER: So the Board can properly inspect this, we should have the surveyor put pipe set or corner markers on your property so we can determine --

MS. SHRIBER: You can see the marks from the Peconic Land Trust, which is some of my chips are on their property. And then coming at this particular point --

TRUSTEE SANDERS: Ma'am, you are pointing it out, in reality we can't see it until we get down there and have it physically --

TRUSTEE BREDEMEYER: It shows a monument on the northwest corner. A pipe set or monument on the northeast corner would be appropriate, that way when we are doing a compliance inspection, so you get your certificate of compliance we can check to see

you have a ten-foot non-disturbance --

TRUSTEE SANDERS: In its proper place.

TRUSTEE BREDEMEYER: Yes. So we want to stipulate at least a pipe set, you may want to just get another --

MS. SHRIBER: Would you want the gentleman who did the surveillance to do it?

TRUSTEE BREDEMEYER: Typically your surveyor is the one authorized to do either a monument or pipe set as part, you can do that as part of your survey revision.

TRUSTEE GOLDSMITH: I have a question for the Board, when we flagged it, does anyone recall --

TRUSTEE BREDEMEYER: We flagged 15. But that would now, the thing is we were measuring from the edge --

MS. SHRIBER: No, you were measuring from the Peconic Land Trust. You were measuring from my property.

TRUSTEE GOLDSMITH: So that flag is --

MS. SHRIBER: Right.

TRUSTEE BREDEMEYER: All right. Is there anyone else who wishes to speak to this application?

(Negative response).

Any additional questions or concerns?

(Negative response).

Okay, accordingly, I would make a motion to close the hearing in this matter.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

I would make a motion to approve this application subject to submission of a licensed land survey depicting a ten-foot non-disturbance buffer at the seaward edge of the property, immediately landward of that a five-foot non-turf buffer with a minimum of a pipe set in the northeast corner of the property for inspection purposes; that the project description be modified to not include a four-foot wide access path to the water, and that the removal of the dead trees and one dead bush and the hanging branches and all vines be approved; and that the woodchips be removed down to native soils to allow plants to regenerate naturally in the non-disturbance zone. And that is my motion.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(Trustee Bredemeyer, aye. Trustee Sanders, aye. Trustee Goldsmith, aye. Trustee Krupski, aye. Trustee Domino, nay).

TRUSTEE BREDEMEYER: Thank you, very much.

MS. SHRIBER: Thank you, very much. How soon do you need the report?

TRUSTEE BREDEMEYER: I would say we, typically we like to do it as soon as your surveyor can get it to us. The limitations of the surveyor. Then we didn't specify, but once the plans are in and the language is set and filed with the county clerk, removal of the chips, the Board could perform an initial compliance

inspection with maybe the final one in the spring when you get the five-foot non-turf area in.

MS. SHRIBER: Great, thank you.

TRUSTEE BREDEMEYER: Motion to adjourn.

TRUSTEE SANDERS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

Respectfully submitted by,

A handwritten signature in cursive script that reads "John M. Bredemeyer III".

John M. Bredemeyer III, President
Board of Trustees